

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:02CV243

**JERRY TRULL; DON HENSON;
FLOYD SUTTON; EARL JOHNSON;
RODERICK ROGERS; and JOYCE
RIGGS, Individually and as
Representative of a class of all
persons similarly situated,**

Plaintiffs,

Vs.

**DAYCO PRODUCTS, LLC; MARK IV
INDUSTRIES, INC.; DAYCO
PRODUCTS, INC. MEDICAL PLAN;
and MARK IV INDUSTRIES, INC.
AND SUBSIDIARIES GROUP
WELFARE BENEFIT PROGRAM,**

Defendants.

ORDER

THIS MATTER is before the Court on the Recommendation of the Special Master and the parties' responses thereto.

The Court finds the Recommendation thorough and agrees with the methodology set forth therein. The Court does agree, however, with the

Plaintiffs that notice should be provided to the members of Subclass B to enable them to prove whether the amounts owed are incorrect.

IT IS, THEREFORE, ORDERED that Plaintiffs' counsel shall, on or before 30 days from entry of this Order, provide notice to the individual members of Subclass B as follows: (1) notice of the amount shown to be due by that particular member in the Special Master's Recommendation; (2) an opportunity to state whether that member disputes the amount shown to be due; and (3) an opportunity, within 30 days of receipt of the notice, to produce documentation supporting that member's position of the correct amount due. Class counsel shall file with the Court a statement showing the date the notice is mailed to class members. On or before 15 days after receipt by class counsel of any such dispute and/or documentation, class counsel shall provide copies thereof to the Special Master and the Defendants' counsel. Class counsel shall simultaneously file with the Court a statement of the number of class members so objecting. The Special Master shall then supplement his report on or before 60 days from the date of submission of the documents by the class counsel.

IT IS FURTHER ORDERED that, on or before 30 days from entry of this Order, class counsel shall provide a notice to those members of Subclass B from whom the Special Master did not receive any claim and expense forms asking each member whether they contend that such forms were mailed in the self-addressed stamped envelopes provided with the notice letter of May 25, 2005, but did not arrive at the office of the Special Master. The individual class members referenced herein have been identified in the Recommendation. The notice shall provide these individuals with a 30 day period within which to respond to class counsel. Class counsel shall file notice with the Court of the date that this notice was mailed. Upon receipt of any response to the notice, class counsel shall forward a copy thereof to the Special Master and defense counsel and shall file notice with the Court of the number of responses received. The Special Master shall then supplement his report on or before 60 days from the date of submission of the documents by the class counsel.

IT IS FURTHER ORDERED that on or before 15 days from the supplemental report, either party may file a statement of agreement with or objection to the report.

Signed: May 9, 2006

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

